

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to waterfowl hunting seasons and zones and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 91, “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

Chapter 91 contains the regulations for hunting waterfowl and coot, and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments modify the waterfowl hunting zones and adjust the season dates to comply with what the Commission anticipates the 2021-2026 federal regulations will be after having met with the United States Fish and Wildlife Service (USFWS) in August 2019 at the Mississippi Flyway Council and reviewing the preliminary proposed regulations contained in the Federal Register (preliminary proposed in 84 Fed. Reg. 199, 55120-55129 (Oct. 15, 2019)).

More specifically, the season structure that the Department of Natural Resources (Department) is proposing uses the maximum number of days provided by the USFWS. These days are distributed across a wide range of season dates based on a waterfowl migration survey that the Department conducts each fall, an analysis of hunter participation and hunter satisfaction, and a 2019 waterfowl hunter opinion survey. Season dates differ between waterfowl hunting zones and allow for a period of rest before the regular duck seasons and the youth waterfowl hunting season. Hunter surveys and comments show a wide range of preferences; therefore, the season structure offers a wide range of dates in an attempt to accommodate all hunting preferences.

The boundary modifications to the waterfowl hunting zones extend later season dates across southern Iowa in response to hunter interest, while maintaining early and mid-season hunting opportunities, particularly in central and northern Iowa.

The extension of the light goose conservation order is in response to hunter requests regarding the effect of particularly harsh weather during the spring of 2018, which precluded widespread hunting of light geese in northern Iowa until late April of that year.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 3, 2020. Comments should be directed to:

Orrin Jones
Department of Natural Resources
1203 North Shore Drive
Clear Lake, Iowa 50428
Fax: 641.357.5523
Email: orrin.jones@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Upon arrival, attendees should proceed to the fourth floor to check in at the Department reception desk and be directed to the appropriate hearing location:

March 3, 2020
12 noon to 1 p.m.

Conference Room 5 East
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrules 91.1(1) to 91.1(5) as follows:

91.1(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

a. For the 2020-2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.

b. For the fall 2021 through spring 2026 seasons, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west

of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone.

a. For the 2020-2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.

b. For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.

91.1(3) Season dates - south zone/central zone.

a. For the 2020-2021 season - south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.

b. For the fall 2021 through spring 2026 seasons - central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.

91.1(4) Season dates - Missouri River zone/south zone.

a. For the 2020-2021 season - Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.

b. For the fall 2021 through spring 2026 seasons - south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.

91.1(5) Bag limit. Bag limits for all species other than scaup are as adopted by the U.S. Fish and Wildlife Service and published in the Federal Register. The daily bag limit for scaup will be 1 for the first 15 days of the duck hunting season and 2 for the remaining 45 days.

ITEM 2. Amend subrules 91.3(1) to 91.3(4) as follows:

91.3(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

a. The For the 2020-2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.

b. Effective fall 2021 through spring 2026, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.3(2) Season dates - north zone.

a. For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second-to-last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.

b. For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(3) Season dates - south zone/central zone.

a. For the 2020-2021 season - south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.

b. For the fall 2021 through spring 2026 seasons - central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(4) Season dates - Missouri River zone/south zone.

a. For the 2020-2021 season - Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.

b. For the fall 2021 through spring 2026 seasons - south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.

ITEM 3. Amend subrule 91.3(8), introductory paragraph, as follows:

91.3(8) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service beginning the day after the regular goose season closes and continuing until ~~April 15~~ May 1.